

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ABDUL KHALEQUE, ZAKIR HOSSAIN,

Petitioner,

v.

ORDER
08-CV-477S

DEPARTMENT OF HOMELAND SECURITY,
U.S. IMMIGRATION & CUSTOMS ENFORCEMENT,
& MR. WILLIAM CLEARY,

Respondents.

1. On June 27, 2008, Petitioner commenced this civil action by filing a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, *et seq.*, seeking a release from federal custody. (Docket No. 1). On October 28, 2008, this Court referred the case to the Honorable Jeremiah J. McCarthy, United States Magistrate Judge, for all proceedings necessary for a determination of the factual and legal issues presented, and to prepare and submit a report and recommendation containing findings of fact, conclusions of law and a recommended disposition of the case pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). (Docket No. 12). Also, on December 2, 2008, Petitioner filed a Motion to Expedite, which is currently pending before this Court. (Docket No. 13).

2. On December 5, 2008, Judge McCarthy filed a Report and Recommendation recommending that Petitioner's Petition for a Writ of Habeas Corpus be denied. (Docket No. 14). No objections to the Report and Recommendation were received from either party within ten (10) days from the date of its service, in accordance with 28 U.S.C.

§ 636(b)(1)(C), Fed.R.Civ.P. 72, and Local Rule 72.3(a)(3).

3. This Court has carefully reviewed Judge McCarthy's Report and Recommendation as well as the underlying papers and will accept Judge McCarthy's recommendation.

IT HEREBY IS ORDERED, that this Court accepts Judge McCarthy's Report and Recommendation (Docket No. 14) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Petitioner's Petition for Writ of Habeas Corpus (Docket No. 1) is DISMISSED, without prejudice to Petitioner's right to file another petition if it subsequently appears that Petitioner's removal is no longer reasonably foreseeable.

FURTHER, that Petitioner's Motion to Expedite (Docket No. 13) is DENIED as moot.

FURTHER, that the Clerk of the Court is directed to take the necessary steps to close this case.

SO ORDERED.

Dated: January 5, 2009
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge